

IN THE CLAIMS:

Please cancel Claims 7-17 without prejudice or disclaimer of the subject matter recited therein.

1-17: (Canceled)

18. (Previously Presented) A diffraction optical element according to Claim 7 in which a plurality of diffraction gratings are laminated, comprising:

a first diffraction grating which is formed with a material of a predetermined dispersion, wherein an imaginary surface including tips of grating portions of said first diffraction grating is a curved surface; and

a second diffraction grating which is formed with a material of a dispersion different from that of said first diffraction grating and arranged with an interval between said first diffraction grating and said second diffraction grating, wherein an imaginary surface including tips of grating portions of said second diffraction grating is a curved surface,

wherein the pitches at positions of tips of corresponding grating portions of said first and second diffraction gratings are equal over the area of use, and wherein said first and second diffraction gratings are disposed via an air layer.